REMARKS

Claims 14-33, 42-63, 74-82, and 97-104 are pending and remain. Claims 14, 16, 17, 22, 25, 27, 28, 42, 46, 50, 53, 74-76, and 97 have been amended.

An Information Disclosure Statement (IDS) was submitted on June 15, 2010. Acknowledgement of the IDS and entry of the cited art references on the record are requested.

Rejections under 35 U.S.C. § 102(e) in view of Freedman

Claims 14, 16-21, 24-33, 42, 44-49, 52-63, 78-82, and 97-104 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0249650, to Freedman et al. ("Freedman"). Applicant traverses.

A claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131. Freedman fails to anticipate.

Claim 14 has been amended to recite a calibration module to calibrate the analysts by receiving performance scores based on the analysis data from each analyst and reviewing the performance scores until variation between the analyst scores satisfy a predefined limit, each performance score providing an estimate for a quality of service rendered by one of the agents to one or more of the customers. Claims 42 and 97 have been similarly amended. Support for the claim amendments can be located in the specification in paragraphs [0062]-[0064]. Thus, no new matter has been entered.

Freedman fails to teach or suggest such limitations. Instead, Freedman discloses a system for capturing and analyzing customer interactions (Abstract). A set up device is calibrated according to an interaction type, such that call centers are adapted to recognize words prevalent in a particular industry (paragraph [0040]). Words and sentences used by an agent in a call center are extracted and used to determine the agent's recurrent behavioral patterns (paragraph [0042]). The data collected during the interaction is stored and processed for further analysis using a set of rules, which are applied to the data

(paragraphs [0039] and [0042]). The analysis results are transmitted to alert supervisors or management of the agent (paragraphs [0039]). Thus, in Freedman, calibration is used to identify relevant words for use in a call center that services a particular industry. Therefore, Freedman teaches calibrating a call center, rather than calibrating analysts based on agent performance scores they provide.

Accordingly, the Freedman reference fails to describe all the claim limitations and does not anticipate independent Claims 14, 42, and 97. Claims 16-21 and 24-33 are dependent on Claim 14 and are patentable for the above-stated reasons, and as further distinguished by the limitations recited therein. Claims 44-49 and 52-63 are dependent on Claim 42 and are patentable for the above-stated reasons, and as further distinguished by the limitations recited therein. Claims 78-82 are dependent on Claim 74 and are patentable for the above-stated reasons, and as further discussed in the rejection below. Claims 96-104 are dependent on Claim 97 and are patentable for the above-stated reasons, and as further distinguished by the limitations recited therein. Withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

Rejections under 35 U.S.C. § 103(a) over Freedman, in view of Rudnik

Claims 15, 22, 23, 43, 50, 51, and 74-77 stand rejected under 35 U.S.C. § 103(a) as obvious over Freedman, and in further view of U.S. Patent Application Publication No. 2005/0015286, to Rudnik et al. ("Rudnik"), now issued as U.S. Patent No. 7,728,870, to Rudnik et al. Applicant traverses.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness, which includes a clear articulation of the reasons or rationale why the claimed invention would have been obvious. MPEP 2142. Exemplary rationales to support a conclusion of obviousness are listed in MPEP 2143, although the list is not all-inclusive.

Claim 74 has been amended to recite a calibration module to calibrate the analysts by receiving performance scores based on the storable representations from each analyst and reviewing the performance scores until variation between the analyst scores satisfy a predefined limit, each performance score providing an estimate for a quality of service rendered by one of the agents to one or more of

the customers. Support for the claim amendments can be located in the specification in paragraphs [0062]-[0064]. Thus, no new matter has been entered.

The Freedman-Rudnik combination fails to teach or suggest such limitations. Freedman discloses a system for capturing and analyzing customer

5   interactions (Abstract). A set up device is calibrated according to an interaction type, such that call centers are adapted to recognize words prevalent in a particular industry (paragraph [0040]). Words and sentences used by an agent in a call center are extracted and used to determine the agent's recurrent behavioral patterns (paragraph [0042]). The data collected during the interaction is stored

10   and processed for further analysis using a set of rules, which are applied to the data (paragraphs [0039] and [0042]). The analysis results are transmitted to alert supervisors or managers of the agent (paragraphs [0039]). Thus, in Freedman, calibration is used to identify relevant words for use in a call center that services a particular industry. Therefore, Freedman teaches calibrating a call center, rather

15   than calibrating analysts based on agent performance scores.

Further, Rudnik fails to remedy the shortcomings of Freedman. Rudnik discloses capturing, logging, and retrieving face-to-face interactions (Abstract). A face-to-face interaction occurs between an agent and a customer (Col. 7, lines 40-43). The interaction is captured and analyzed (Col. 7, lines 52-67). Logic actions

20   are performed on the data for the captured interaction to assess the performance of the agent (Col. 20, lines 41-44). The assessment is performed automatically or with assistance from a supervisor who fills out evaluation forms or provides a manual score, which are considered during assessment of the agent performance (Col. 20, lines 44-55; Col. 23, lines 15-18). Thus, Rudnik teaches receiving

25   evaluation forms for an agent that are completed by a supervisor, rather than calibrating agents by based on agent performance scores.

Accordingly, a *prima facie* case of obviousness has not been shown. Claims 15, 22, and 23 are dependent on Claim 14 and are patentable for the above-stated reasons, and as further discussed with respect to the above rejection.

30   Claims 43, 50, and 51 are dependent on Claim 42 and are patentable for the above-stated reasons, and as further discussed with respect to the above rejection.

Claims 75-77 are dependent on Claim 74 and are patentable for the above-stated reasons, and as further distinguished by the limitations recited therein. Withdrawal of the rejection is requested.

The prior art made of record and not relied upon has been reviewed by the

5 applicant and is considered to be no more pertinent than the prior art references already applied.

Further consideration and examination of the application are respectfully requested. Claims 14-33, 42-63, 74-82, and 97-104 are believed to be in condition for allowance. Entry of the foregoing amendments is respectfully

10 requested. Reconsideration of the claims, withdrawal of the finality of the Office action, and a Notice of Allowance are earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

15   Respectfully submitted,

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